

Paul Somers
185 Channel St.
San Francisco, CA 94158
Telephone: (917) 868-1070
paulsomers@me.com
Pro Se

UNITED STATES DISTRICT COURT

FOR

THE NORTHERN DISTRICT OF CALIFORNIA

PAUL SOMERS, an individual,

Plaintiff,

vs.

DIGITAL REALTY TRUST INC., a
Maryland corporation, ELLEN JACOBS, an
individual, and DOES ONE through TEN,
inclusive,

Defendants.

Case No. 14-CV-05180 KAW

**DECLARATION OF PAUL SOMERS
IN SUPPORT OF RECUSAL OR
DISQUALIFICATION OF
MAGISTRATE JUDGE KANDIS
WESTMORE**

I, Paul Somers, declare:

1. I am Plaintiff in the above entitled action and state the following from my personal knowledge. If called to testify to the facts set forth below, I could competently testify to them.
2. I maintain the website SomersDecision.com. I am embedded Statcounter on the website since it first went online to collect data about the visitors who visited the website. The data provided as Exhibit A is true and correct taken directly from my account on the Statcounter website.
3. Only 5-6 hits have been registered to the web pages entitled "*Fact Finders will Determine if Digital Realty's Attorneys Committed a Crime Against the Judicial Machinery at 8:53*"

CASE NO. 14-CV-05180

1

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1 *PM on May 25, 2016,” and “Seyfarth Shaw Forges Signature on Court Filing Now Under*
2 *Investigation by the DA.”* As a result it is easy to discern those 5-6 visitors are which,
3 through deduction, only leaves Seyfarth as the party who prompted the Magistrate to
4 visit those pages.

5
6 4. I believe based upon the evidence I have reviewed from Statcounter that the Magistrate
7 Judge has been investigating the facts in this case a the prompting of Defendants.

8
9 5. Through Statcounter, I recently noticed that Judge Westmore could be identified as a
10 frequent visitor and it made me realize that I would be able to file a motion to recuse her
11 from the case due to her investigating facts in the case and since it proves ex parte
12 communications between her and Defendants’ counsel, Seyfarth Shaw.

13
14 6. I believe based upon my experience observing Brian Ashe, who lies nearly every time he
15 makes a statement in my presence, that the Magistrate Judge’s bias is in part, stemming
16 from ex parte communications he has had with her. That communication almost
17 certainly involved false and highly damaging statements about me.

18
19
20 7. Based upon all of the factors listed in the motion for recusal, I believe that a recusal or
21 disqualification is required because there is not only bias but collusion occurring between
22 the Magistrate and the defense counsel, Seyfarth Shaw, Brian T. Ashe lead counsel to
23 improperly shut me out of obtaining discovery and to harass and an intimidate me into
24 withdrawing my claims. (Dkts. 242, 246)
25
26
27

1 : 0 I have attached, as Exhibit B, an Order from a case presided over by Judge Westmore
 2 which shows disparate treatment by the Magistrate contrasting my situation to that of a
 3 Mr. Cowan, both self-represented litigants.

4
 5 ; 0 Kdgrkxg'yj cv'dgecwug'yj g'O ci kurtcvg'y qwrp "pqv'cmqy "o g'vq'hkg'c'o qvqp'hqt'ucpevkqpu"
 6 *Fm03: ; +y kj 'tgur gev'q'yj g'htcwf "cpf 'hgti gt { 'eqo o kwgf 'd { 'Ug { hctvj 'Uj cy "qp'yj g"
 7 pki j v'qh'O c { '47. "42380"K'cnuq "uggo u'vq'dg'yj g'ecug'dcugf "qp"j gt "gttcpv'tgxkgy "qh'yj g"
 8 ugctej 'vgto u"Fm'467. 'r ci gu'33/34+"yj cv'yj g'O ci kurtcvg'y cu't { lpi 'vq'j gr 'yj g"
 9 Fghgpf cpvu'cxqlf 'uetwkp { 'cpf 'r wpluj o gpv'qpeg'ci ckp'hqt'yj gk'ugctej 'vgto 'uej go g"
 10 y j lej "j cu'wplf gto kpgf 'y j g'gpv'g'f kueqxt { 'r tqegu0""Dgecwug'k'cr r gctu'vq'an'kpgpvkqpcn
 11 joint effort, "Kco "j ki j n { "eqpegtpgf .

12
 13 I declare under penalty of perjury under the laws of the United States and the laws of California
 14 that the foregoing is true and correct to the best of my knowledge.

15
 16 Executed in San Francisco, California on March 20, 2018.

17 By: 
 18 PAUL SOMERS